

## 1 UNITED STATES DISTRICT COURT

## 2 DISTRICT OF NEVADA

3 FRANCISCO VIDAL,

Case No. 2:19-cv-02116-KJD-NJK

4 Plaintiff

ORDER

5 v.

6 ROBERSON et al.,

7 Defendants

8  
9 I. DISCUSSION

10 According to the Nevada Department of Corrections (“NDOC”) inmate database,  
11 Plaintiff is no longer incarcerated. However, Plaintiff has not filed an updated address  
12 with this Court. The Court notes that pursuant to Nevada Local Rule of Practice IA 3-1,  
13 a “pro se party must immediately file with the court written notification of any change of  
14 mailing address, email address, telephone number, or facsimile number. The notification  
15 must include proof of service on each opposing party or the party’s attorney. Failure to  
16 comply with this rule may result in the dismissal of the action, entry of default judgment,  
17 or other sanctions as deemed appropriate by the court.” Nev. Loc. R. IA 3-1. This Court  
18 grants Plaintiff thirty (30) days from the date of entry of this order to file his updated  
19 address with this Court. If Plaintiff does not update the Court with his current address  
20 within thirty (30) days from the date of entry of this order, the Court will dismiss this action  
21 without prejudice.

22 Additionally, the Court denies the applications to proceed *in forma pauperis* for  
23 prisoners (ECF Nos. 8, 9) as moot because Plaintiff is no longer incarcerated. The Court  
24 now directs Plaintiff to file an application to proceed *in forma pauperis* by a non-prisoner  
25 within thirty (30) days from the date of this order or pay the full filing fee of \$400.

26 The Court also denies Plaintiff’s “emergency motion” (ECF No. 2) as moot because  
27 Plaintiff is no longer incarcerated. *Cf. Johnson v. Moore*, 948 F.2d 517, 519-22 (9th Cir.  
28 1991) (holding that claims for injunctive relief related to a prison’s policies are moot where

1 a prisoner has been transferred to another facility and shows no reasonable expectation  
2 of return). The Court notes that, even if Plaintiff were still incarcerated, the Court would  
3 have denied the emergency motion on its merits because a false notice of charges does  
4 not demonstrate irreparable harm in the absence of preliminary relief. See *Am. Trucking*  
5 *Ass'ns, Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir. 2009) (quoting *Winter*  
6 *v. Natural Res. Defense Council*, 555 U.S. 7, 20 (2008)) (holding that “[a] plaintiff seeking  
7 a preliminary injunction must establish that he is likely to succeed on the merits, that he  
8 is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of  
9 equities tips in his favor, and that an injunction is in the public interest”).

10 **II. CONCLUSION**

11 For the foregoing reasons, it is ordered that Plaintiff will file his updated address  
12 with the Court within **thirty (30) days** from the date of this order.

13 It is further ordered that Plaintiff's applications to proceed *in forma pauperis* for  
14 prisoners (ECF Nos. 8, 9) are denied as moot.

15 It is further ordered that the Clerk of the Court will send Plaintiff the approved form  
16 application to proceed *in forma pauperis* by a non-prisoner, as well as the document  
17 entitled information and instructions for filing an *in forma pauperis* application.

18 It is further ordered that within **thirty (30) days** from the date of this order, Plaintiff  
19 will either: (1) file a fully complete application to proceed *in forma pauperis* for non-  
20 prisoners; or (2) pay the full filing fee of \$400.

21 It is further ordered that, if Plaintiff fails to timely comply with this order, the Court  
22 will dismiss this case without prejudice.

23 It is further ordered that the “emergency motion” (ECF No. 2) is denied as moot.

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25 DATED THIS 13 day of May 2020.

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UNITED STATES DISTRICT JUDGE

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